

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FISHER SAND & GRAVEL, CO.
d/b/a/ SOUTHWEST ASPHALT PAVING and
FISHER SAND & GRAVEL – NEW MEXICO, INC.,

Plaintiff,

v.

Case No. 1:10-cv-00635-RB-SMV


FNF CONSTRUCTION, INC., *et al.*,

Defendants.

**ORDER DENYING PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF
COMMUNICATIONS BETWEEN FNF AND SNELL & WILMER AND
COMMUNICATIONS BETWEEN PULICE AND SNELL & WILMER [DOC NO. 370]**

THIS MATTER came before the Court on Plaintiffs' Motion to Compel Production of Communications Between FNF and Snell & Wilmer and Communications between Pulice and Snell & Wilmer [Doc. No. 370], and the Court, having reviewed the briefs and papers submitted by the parties, heard oral argument, having been advised that Plaintiffs have withdrawn that portion of their Motion based on subject matter waiver, and being otherwise advised in the premises, hereby finds that Plaintiffs' Motion is untimely and that Plaintiffs have not established grounds to invoke the crime-fraud exception to the attorney-client privilege.

It is therefore ORDERED that the Motion is DENIED.



STEPHAN M. VIDMAR
United States Magistrate Judge

Submitted By:

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By: /s/ Lauren Keefe

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